



Atty. Dkt. No. 035879-0125

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Xianzhong YU et al.

Title: LYTIC PEPTIDE PRODRUGS

Appl. No.: 09/938,623

Filing Date: 08/27/2001

Examiner: Karen A. Canella

Art Unit: 1643

Confirmation 2349

Number:

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Greenville Hospital System, having its principal place of business at 900 W. Faris Road, Greenville, SC 29605, Greenville, South Carolina 29605 , represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/938,623, filed 08/27/2001, which is a continuation-in-part of U.S. Patent Application No. 09/851,422, filed 05/09/2001, by virtue of an Assignment filed and recorded on 05/10/2005, on Reel/Frame 016217/0238, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 7,094,750, which issued on U.S. Patent Application No. 09/851,422, filed 05/09/2001, by virtue of an Assignment filed and recorded on 04/12/2005, on Reel/Frame 016056/0727, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

01/12/2007 JADDO1 00000020 09938623

Your Petitioner, Greenville Hospital System,~~hereby~~ disclaims the terminal ~~130.00~~ OP part of the term of any patent granted on U.S. Patent Application 09/938,623 which would

*STET*

extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 7,094,750, and hereby agrees that any patent so granted on U.S. Patent Application 09/938,623 shall be enforceable only for and during such period that the legal title to U.S. Patent 7,094,750 shall be the same as the legal title to any patent granted on U.S. Patent Application 09/938,623, this agreement to run with any patent granted on U.S. Patent Application 09/938,623 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 09/938,623, prior to the full statutory term of U.S. Patent 7,094,750 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent 7,094,750 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent 7,094,750 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 09/938,623 that would extend beyond the present termination of U.S. Patent 7,094,750, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 09/938,623 to the extent provided by law.

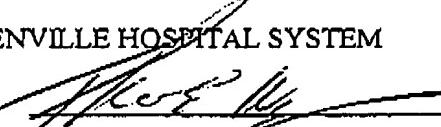
The undersigned (whose title is supplied below) certifies that he is empowered to sign this Terminal Disclaimer on behalf of the assignee, that he has reviewed the Assignments attached as APPENDICES A and B, and to the best of his knowledge and belief, legal title to U.S. Patent Application 09/938,623 and U.S. Patent 7,094,750 rests with Petitioners, Greenville Hospital System. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date January 8, 2007

GREENVILLE HOSPITAL SYSTEM

By:   
Name: Thomas E. Wagner  
Title: Director



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



JULY 02, 2005

PTAS

\*700178353A\*

\*700178353A\*

GEORGE C. BEST  
FOLEY & LARDNER LLP  
WASHINGTON HARBOUR  
3000 K STREET, N.W., SUITE 500  
WASHINGTON, D.C. 20007-5143

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 05/10/2005

REEL/FRAME: 016217/0238  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
YU, XIANZHONG

DOC DATE: 04/29/2005

ASSIGNOR:  
WAGNER, THOMAS E.

DOC DATE: 04/29/2005

ASSIGNEE:  
GREENVILLE HOSPITAL SYSTEM  
900 W. FARIS ROAD  
GREENVILLE, SOUTH CAROLINA 29605

FILING DATE: 08/27/2001  
ISSUE DATE:

SERIAL NUMBER: 09938623  
PATENT NUMBER:  
TITLE: LYTIC PEPTIDE PRODRUGS

016217/0238 PAGE 2

DIANE RUSSELE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

# **Patent Assignment Abstract of Title**

**NOTE: Results display only for issued patents and published applications.**  
**For pending or abandoned applications please consult USPTO staff.**

**Total Assignments: 1**

**Patent #:** 7094750    **Issue Dt:** 08/22/2006 **Application #:** 09851422 **Filing Dt:** 05/09/2001

Publication #: US20020077454 Pub Dt: 06/20/2002

**Inventors:** Xianzhong Yu, Thomas E. Wagner

**Title: THERAPEUTIC PORE-FORMING PEPTIDES**

## **Assignment: 1**

**Reel/Frame:** 016056/0727

**Recorded:** 04/12/2005

**Pages:** 2

**Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**

**Assignors:** YU, XIANZHONG

Exec Dt: 04/08/2005

WAGNER, THOMAS E.

Exec Dt: 04/11/2005

**Assignee:** GREENVILLE HOSPITAL SYSTEM

900 W. FARIS ROAD

GREENVILLE, SOUTH CAROLINA 29605

**Correspondent:** GEORGE C. BEST

FOLEY & LARDNER LLP

## WASHINGTON HARBOUR

3000 K STREET, N.W., SUITE 500

WASHINGTON, D.C. 20007-5143

Search Results as of: 10/17/2006 01:07 PM

## **APPENDIX B**